

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed April 8, 2005. Claims were objected to. Claims 1, 3, 11-12, and 19-20 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-20 were originally presented. Claims 1, 3, 11-12, and 19-20 remain in the application. Claims 2, 4-10, and 13-18 have been withdrawn as being directed to a nonelected species. Claims 11 and 12 have been amended. No new claims have been added. No new subject matter has been added.

Claim 12 line 2 has been amended to correct a typographical error, to change the erroneous term “first release block” to the correct term “release block.” Similarly, claim 11 has been amended at line 8 to change the reference to “first ramp block” to “ramp block”.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3, 11-12, and 19-20 (including independent claims 1, 11, and 19) were rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat. No. 1,103,839 to Rellay. The following remarks will refer specifically to independent claims 1, 11, and 19, with the understanding that upon allowance of an independent claim, all dependent claims related thereto will also be allowable.

The Applicant respectfully submits that Rellay does not disclose each and every element of the claimed invention. Claim 1 includes the limitation that the ramp block is “fixedly attached to the smaller tube section.” Claim 11 includes a nearly identical limitation. Claim 19 includes the limitation that one block of the pair of opposing blocks is “attached to the smaller tube.” In the Rellay reference, in contrast, the two “jaws” 13 and 15 are both moveable. Neither are attached or affixed to either of the upright tubes. Consequently, this limitation of the Applicant’s invention is clearly absent from Rellay, and Rellay cannot be said to anticipate the claimed invention.

Additionally, the Rellay reference teaches a locking device wherein any sliding movement of the upright tubes, whether to extend or retract the tubes, requires a user to depress a

foot pedal to release a locking mechanism. This condition is caused by the configuration of the jaws of the Rellay device, which clamp to resist relative motion of the tubes in either direction unless directly moved by actuation of the release mechanism. Pulling on one or the other tube will not release the clamping mechanism.

The Applicant's invention, on the other hand, includes a release mechanism "configured to release the clamping assembly when . . . the smaller tube section is pulled in a direction to extend it from the tube section" (Claim 1). Claim 19 similarly includes the limitation that the pair of opposing blocks are configured to "allow free sliding extension of the smaller tube," and claim 11 as amended specifies that longitudinal translation of the ramp block and release block "moves the roller so as to either (i) press the release block in a locking direction . . . to resist retraction of the smaller tube section into the larger tube section, or (ii) allow the release block to move in a release direction . . . [to] allow sliding of the smaller tube section within the larger tube section, the release block being configured to move in the release direction when the smaller tube section is pulled to extend it from the larger tube section." This limitation is not taught or suggested by Rellay.

Accordingly, the Applicant respectfully submits that independent claims 1, 11, and 19 as now presented are in condition for allowance over the cited art, and dependent claims 3, 12, and 20 are allowable as being dependent upon an allowable base claim. Therefore, Applicant respectfully submits that claims 1, 3, 11-12, and 19-20 as now presented are allowable, and urges the Examiner to withdraw the rejections.

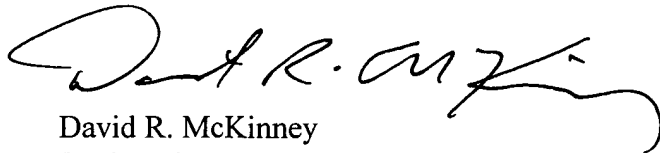
CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, 3, 11-12, and 19-20 are now in condition for allowance. Moreover, because independent claims 1, 11, and 19 are generic, the Applicant submits that species claims 2, 4-10, and 13-18 are therefore also allowable as being dependent upon an allowable generic claim. Therefore, Applicant requests that the rejections and objections be withdrawn, and that claims 1-20 as now presented be allowed and passed to issue.

If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call the undersigned at (801) 746-8500 so that such matters may be resolved as expeditiously as possible.

DATED this 8 day of July, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. McKinney", with a stylized flourish at the end.

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